

Panaji, 23rd July, 1992 (Sravana 1, 1914)

SERIES I No. 17

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE:— There is one Extraordinary issue to the Official Gazette, Series I No. 16 dated 16-7-1992 with the same date from pgs. 103 to 104 regarding Notification from Department of Labour.

GOVERNMENT OF GOA

Department of Labour

Notification

21/32/90-LAB

The Government of Goa is pleased to amend the Government Notification of even number dated 9-7-1991 (hereinafter called the 'said Notification'), as follows:—

In the first proviso to the said Notification, after clause (e), the following clause shall be inserted, namely:—

"(f) Spouses of Defence Personnel residing in Goa as a result of transfer of their husband and spouses of Persons of Goan origin who are born/brought up outside Goa but settled in Goa after their marriage and those persons who have settled in Goa subsequent to marrying a girl of Goan origin.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 8th July, 1992.

Notification

21-24/87-LAB

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982, is hereby pre-published as required by sub-section (1) of section 35 of the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), for the information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on or after the expiry of a period of 90 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Secretary to the Government of Goa, Department of Labour, Secretariat, Panaji, before the expiry of 90 days from the date of publication of this Notification in the Official Gazette.

DRAFT (AMENDMENT)

In exercise of the powers conferred by section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Amendment) Rules, 1992.

2. They shall come into force at once.

2. *Amendment of rule 37.*— In sub-rule (1) of rule 37 of the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982, after the words "the cost of such medicine" and before the words "shall be reimbursed", the words and figures "including the fee upto Rs. 16/-" shall be inserted.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 22nd April, 1992.

CIRCULAR

21/32/90-LAB

Sub: Issue of the Residency Certificate for registration of names in Employment Exchanges — regarding.

It has come to the notice of the Government that the Mamlatdars who are authorised to issue the Residency Certificates to the persons intending to register their names in the Employment Exchanges in Goa insist on the production of the school leaving certificates from the primary to the last stage of education to prove continuous residence of 15 years without break. This has caused inconvenience to those students especially living in the border areas

of Pernem and Canacona talukas, who are of Goan origin but have completed their studies in the neighbouring States of Karnataka and Maharashtra. The Government, therefore, has decided that the Mamlatdars should issue the Residency Certificates to those students who have at least one parent residing continuously for the last 15 years in Goa but who have completed their education in the neighbouring States.

The Mamlatdars should satisfy themselves of the continuous residence of one of the parents.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 8th July, 1992.

Law (Legal and Legislative Affairs) Department

Notification

10-3-92/LA

The following Notification dated 19-2-1992 and Order dated 19-2-1992 received from the Government of India, Ministry of Surface Transport (Roads Wing), New Delhi, are hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 19th June, 1992.

GOVERNMENT OF INDIA

MINISTRY OF SURFACE TRANSPORT

(Roads Wing)

Notification

New Delhi, the 19th February, 1992

G. S. R. — In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956), and in supersession of the National Highways (fees for use of permanent bridges) Rules, 1978, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: —

1. *Short title and commencement.* — (1) These rules may be called the National Highways (fees for use of permanent bridges) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these rules, unless the context otherwise requires;

(a) "executing agency" means: —

(i) in the case of those National Highways administratively placed under the charge of the Border Roads Organisation, the Border Roads Development Board;

(ii) in the case of those National Highways administratively placed under the charge of

National Highway Authority, the National Highway Authority;

(iii) in other cases the State Government/Union Territory Administration to which such functions are delegated under section 5 of the Act.

(b) "fee inspector" means a person authorised by the executing agency concerned to collect fee in respect of any mechanical vehicle crossing a permanent bridge and includes every government employee posted on such bridge in connection with the collection of fees.

(c) "Form" means form appended to these rules.

(d) "mechanical vehicle" means any vehicle designed to be driven under its own power including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

(e) "Pay and Accounts Officer" means Pay & Accounts Officer (National Highway) Ministry of Surface Transport, New Delhi.

(f) "permanent bridge" means a bridge with permanent structures, the cost of which including the cost of the bridge proper, approach roads, guide bunds and protective works, excluding the cost of toll booths, is more than —

(a) rupees 25 lakhs and upto rupees 100 lakhs each, completed and opened to traffic on or after first day of April, 1976 but before the first day of May, 1992 on National Highways; and

(b) more than rupees 100 lakhs each, completed and opened to traffic on or after first day of April, 1976 on National Highways.

(g) "Sectional Officer/Junior Engineer" means an officer of the State Public Works Department (Road and Building) or any other Department dealing with National Highways having that designation and being in-charge of a particular road or bridge located on a National Highway.

3. *Rates of fees and its payment.* — These shall be levied and paid to the executing agency, on behalf of the Government of India, fees on mechanical vehicles for the use of permanent bridges at the rates specified in the Table to the Schedule annexed to these rules.

4. *Displaying of rates of fees.* — A table displaying rates of fees, rates authorised to be levied at any permanent bridge, shall be put up in a conspicuous place near a fee collection booth legibly written or printed in English, Hindi and the regional language of the area in which the permanent bridge is situated.

5. *Procedure for collection/realisation of amount, handling, etc.* — (1) All fees levied under these rules shall be collected by the executing agency concerned departmentally or through private contractors on the basis of competitive bidding on behalf of the Central Government. The executing agency concerned shall make necessary arrangements for putting up adequate number of collection booths, operated manually or by automatic arrangements or by combination of both as may be considered suitable by the executing agency.

(2) There shall be posted a fee inspector, with necessary police guard to assist at either end of the permanent bridge, who shall be authorised to collect fee in respect of any mechanical vehicle crossing the permanent bridge at the rates specified in the Schedule.

(3) There shall be provided, at either end of a permanent bridge, a cross bar for securing the stoppage of mechanical vehicles.

(4) The Fee Inspector shall ensure at the cross bar that passage is not allowed to mechanical vehicles unless the fee leviable in respect thereof has been paid.

6. *Mode of collection of fee.* — (1) Every driver, owner or person in-charge of a mechanical vehicle shall, before crossing the permanent bridge or after having crossed it, stop his vehicle at the cross bar and pay the fee leviable in respect of the vehicle at the fee collection booth. The fee Inspector shall, in return, prepare a receipt in duplicate in Form - A and hand over one copy of the receipt to the driver/owner/person in-charge of the mechanical vehicle.

(2) In the case of two or more bridges falling in close proximity to each other within 80 kms. from a point at the beginning of the approach of entry of the first bridge to be crossed, under the jurisdiction of the same executing agency, the fee may be collected, from the driver, owner or person in-charge of such vehicle on the first bridge which he intends to cross. The driver, owner or person in-charge of the vehicle holding the receipt of such payment shall be allowed to pass through other aforesaid bridges unhindered after showing the receipt to the fee inspectors posted on the other bridges. Details of such bridges shall be displayed at a conspicuous place near the fee collection booths of the bridges covered under this sub-rule, legibly written or printed in English, Hindi and the regional language of the area in which the said bridges are situated. The collection of fee will continue till aggregate cost of all bridges in the reach is recovered.

(3) The Fee Inspector shall, on receipt of the fee specified in the Schedule, fill up a receipt in duplicate in Form 'A' and deliver one copy thereof to the driver, owner or the person in-charge of the vehicle in respect of which the fee has been paid and retain the second copy for record.

(4) When the same vehicle has to cross the bridge more than once in a day, the user shall have the option to pay one and a half times of the rate specified in the Schedule while crossing the bridges in the first trip itself, or if the vehicle has to use the bridge quite frequently the vehicle owner can have a monthly pass on the payment of charges equal to 30 single rates.

7. *Remittance of fees collected.* — (1) The Fee Inspector on duty shall be responsible for the collection and safe custody of the amounts collected during his duty period. The fee inspector shall not leave the collection booth till his reliever takes over from him.

(2) The Fee Inspector shall maintain a cash register as prescribed in Form 'B' and keep it posted upto date.

(3) The Fee Inspector shall at the end of the period of his duty, hand over the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the cash register.

(4) Every day between 1600 hours and 1700 hours, the Fee Inspector on duty shall hand over the entire amount of fee collected during the preceding 24 hours to the Sectional Officer/Junior Engineer-in-charge of the bridge after obtaining his signature in the relevant column of the cash register.

(5) The Sectional Officer/Junior Engineer-in-charge shall keep the amounts of collection received from the Fee Inspector in the chest provided for the purpose at his office.

(6) The Sectional Officer/Junior Engineer-in-charge shall, on every Saturday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week preceding the Saturday by a demand draft to the Pay and Accounts Officer. The Pay and Accounts Officer shall account the amount so received in the relevant receipt head in his books.

(7) The Sectional Officer/Junior Engineer-in-charge shall maintain a register as prescribed in Form 'C' showing the remittances made to the Pay and Accounts Officer and shall keep the register posted up to date.

(8) The Sectional Officer/Junior Engineer-in-charge shall exercise supervision and control over the staff posted at the permanent bridge in connection with the collection of the fees and maintenance of proper accounts and records.

(9) The Sub-Divisional Officer, in-charge of the roads on which the permanent bridge is situated, shall pay surprise visits, at least twice a month, at the offices of the fee inspector and the sectional officer/Junior Engineer-in-charge to check that the collection and remittance of fees by the staff is being done in accordance with the provisions of these rules. He shall countersign the cash register and other record maintained by the staff in token of such visit. Such visit, at least once in three months, shall also be made by the Executive Engineer concerned.

(10) In case the fee collection is through a contractor (on the basis of competitive bidding) the agreement duly executed shall provide for remittance by the contractor of the proportionate amount payable by the contractor for the period of contract at least once every month to the executing agency/or his authorised representative.

8. *The tenure of collection of fee.* — The levy of fee shall be discontinued in respect of bridges costing more than rupees 25 lakhs and upto rupees 100 lakhs completed and opened to traffic on or after first day of April, 1976 but before the first day of May, 1992 on National Highways forthwith or after the expiry of the existing contract period in cases where contracts have been entered into for fee collection.

The levying of fee shall also be discontinued in respect of bridges costing more than rupees 100 lakhs completed and opened to traffic on or after first day of April, 1976 on National Highways as soon as the full cost of the bridge or a group of

bridges including the cost of approaches, cost of structure to be put up for the collection of fees, guide bunds and protective works, including interest thereon as also the maintenance and special repairs expenditure thereon, up to the date of discontinuance of the levy is recovered.

9. *Submission of returns.* — The executing agency concerned shall furnish in the first week of July, October, January and April to the Pay and Accounts Officer: —

(a) monthwise consolidated statement showing the amount collected and remitted on account of fees proceeds in respect of each permanent bridge along with the details of number and date of the demand draft by which the amount has been remitted;

(b) monthwise break-up of the expenditure incurred on each permanent bridge by the executing agency required to be reimbursed on account of collection of the fees on the basis of actual expenditure incurred.

10. *Furnishing of security.* — The Fee Inspector and the Sectional Officer/Junior Engineer-in-charge shall deposit a cash security of not less than Rs. 1000 by executing a security bond in the prescribed form as laid down in the Treasury Rules with the Executive Engineer.

11. *Credit of the proceeds of the fees and its utilisation.* — (1) The proceeds from the fees shall form part of the Consolidated Fund of India. A sum equal to the amount estimated to be received during a year shall be provided in the Demands for Grants of the Ministry of Surface Transport for transfer to a non lapsing Reserve Fund not bearing interest within the Public Account of India, to be set up

by the Central Government. The amount standing to the credit of the Fund would be allocated by the Central Government for development of National Highways in the States and the Union territories. The amount to be allocated to various States and the Union territories, shall, as far as possible, be equal to the fees collected in the respective States under these rules, reduced by collection charges not exceeding 12% of the total collections within the State. The collection charges shall be reimbursed to the executing agency concerned in the manner indicated in sub-rule (3) of this rule. The allocations so made to the States and the Union territories shall be over and above their normal plan allocations.

(2) The allocations so made shall, however, be subject to planning discipline and shall be a Plan expenditure which shall be augmented to the extent of the net proceeds after excluding the collection charges from the proceeds of the levy. The proceeds of the fees remaining unutilised at the end of the Financial Year shall not lapse at the close of that Financial Year but shall be available for being utilised during subsequent year or years against individual works to be approved by the Central Government.

(3) Payment of the amounts in reimbursement of the expenditure incurred by the executing agencies on collection of fees, not exceeding 12% of the total collection of fees shall be made by the Central Government by specific payment sanctions from out of the specific budget provision to be made by the Central Government in its budget from year to year.

(F. No. RW/NH-11013/1/86-PL)

P. M. Abraham

Secretary to the Govt. of India.

THE SCHEDULE

(See rule 3)

Fee chargeable in respect of Mechanical Vehicle using permanent Bridges, costing more than Rs. 25 lakhs on National Highways completed/to be completed and opened to traffic on or after 1-4-1976 in regard to vehicles other than defence vehicles, vehicles with VIP symbols, police vehicles, fire fighting vehicles, Ambulances, funeral vans, Posts and Telegraph Department vehicles and Central and State Government vehicles on duty.

TABLE

S.No.	Particulars of bridges	Motor Cycle, Scooter or any other two-wheeled mechanically propelled vehicles	Motor-car, taxi, jeep, Pick-up Vans, Station Wagon, Tempo Auto-Rickshaw, Three-wheeler scooter, or other auto-driven light vehicles		Bus, Truck and other heavy vehicles including truck-trailer combination		Other mechanically propelled vehicles (not mentioned above) like mobile cranes, dozers, earth movers, road rollers etc. loaded or unloaded
			without trailer	with trailer	Laden	Unladen	
1	2	3	4	5	6	7	8
			(Rupees)				
1.	Fee for bridges costing more than Rs. 25 lakhs and upto Rs. 50 lakhs completed/to be completed and opened to traffic on or after 1-4-1976 but before 1st May, 1992.	0.50	2.00	3.00	6.00	3.00	6.00
2.	Fee for bridges costing more than Rs. 50 lakhs and upto Rs. 100 lakhs completed/to be completed and opened to traffic on or after 1-4-1976 but before 1st May, 1992.	0.50	2.00	3.00	8.00	4.00	8.00
3.	Fee for bridges costing more than Rs. 100 lakhs completed/to be completed and opened to traffic on or after 1-4-1976.	Nil	5.00	5.00	15.00	15.00	20.00

Note: (1) When the same Vehicle has to cross the bridge more than once in a day, the user shall have the option to pay one and half times the above rates while crossing the bridges in the first trip itself, or if the vehicle has to use a bridge continuously and quite frequently for the entire month or even beyond that, for much longer period, the vehicle owner can even have a monthly pass on the payment of charges equal to 30 single rates.

(2) The following vehicles having VIP symbols shall be exempted from the payment of such fee:—

President and Vice-President of India, Central and State Ministers, Leaders of Opposition in Lok Sabha/ Rajya Sabha/ State Legislatures having the Status of a Cabinet Minister, Governors/Lt. Governor/ Executive Councillors/Speakers/Chairman of Central and State Legislatures, Foreign Dignitaries on State visit to India, Foreign-Diplomats stationed in India using cars with CD symbols.

FORM 'A'

(See rule 6)

R. No.

Receipt for payment of fee

Name of Bridge(s)

1. Description of mechanical vehicle with Registration Number
2. Whether laden or unladen or with or without passengers
3. Time and date of outward journey
4. Name of driver and/or owner
5. Amount of fee paid

Signature of fee Inspector

FORM 'B'

[See rule 7(2)]

Serial Number	Date	Vehicle number	Name of person paying the fee	Number of receipt by which fee paid	Amount of fee paid	Progressive figures of fee paid	Signatures of Fee Inspector	Signatures of successors Fee Inspector	Signatures of Sectional Officer-in-charge/Junior Engineer-in-charge	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM 'C'

[See rule 7(7)]

Sl. No.	Name of the Sectional Officer-in-charge/Junior Engineer-in-charge	Amount collected from the fee Inspector	Date of Receipt	Name of the Bank from which Demand Draft is purchased	Number of Demand Draft and date	Amount of Demand Draft	Details of despatch of Demand Draft	Postal Registration No. of despatch of Demand Draft	Remarks
1	2	3	4	5	6	7	8	9	10

ORDER

New Delhi, the 19th February, 1992

S. O. — Whereas the Central Government is of the opinion that it is necessary in the public interest to exempt levy being levied on permanent bridges on the National Highways costing more than rupees 25 lakhs and upto rupees 100 lakhs as specified in the Schedule to the National Highway (Fee for use of permanent bridges) Rules, 1992.

2. Now, Therefore, in exercise of the powers conferred by the proviso to Section 7 of the National Highway Act, 1956 (48 of 1956), the Central Government hereby directs that the rates of fee mentioned in the Schedule to the said rules shall not apply to all permanent bridges on the National Highways costing more than Rs. 25 lakhs and upto Rs. 100 lakhs and completed and opened to traffic on or after 1-4-1976 with effect from 1st day of May, 1992. Such levy shall, however, be continued to be levied on permanent bridges costing in between rupees 25 lakhs and rupees 100 lakhs wherein the contract for collection of fee have already been finalised and awarded. However, in all such cases no contract would be renewed and collection of levy shall be discontinued with effect from the expiry of contract.

[F. No. RW/NH-11013/1/86-PL]

P. M. Abraham

Secretary to the Govt. of India.

Legislature Department

LA/B/3224/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 17-7-1992 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th July, 1992.

The Goa Town and Country Planning (Amendment) Bill, 1992

(Bill No. 6 of 1992)

A

BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 1992.

(2) It shall come into force at once.

2. *Amendment of section 44.* — In sub-section (4) of section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), —

(i) in clause (iii), the word “and” shall be omitted; and

(ii) after clause (iii), the following clause (iii a) shall be inserted, namely: —

“(iii a) the rights of any person having a dwelling house therein to purchase the said dwelling house alongwith the land around or appurtenant thereto under section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), —

(a) if he already stands registered as Mundkar or

(b) if he is not so registered, after his registration as a mundkar;

under section 29 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Explanation. — For the purpose of this sub-section, the words “mundkar” and the “dwelling house” shall have the meanings as assigned to them in the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.”

Statement of Objects and Reasons

In terms of sub-section (4) of section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974, the Planning and Development Authority in dealing with the applications for permission under that section is required to have regard to certain matters as enumerated in clauses (i), (ii), (iii) and (iv).

However, there is no provision to safeguard the right of any person having dwelling house in the land sought to be developed, at the time of granting permission for development and in the absence of such provision, the rights of such persons are not protected.

It is therefore proposed to insert a new clause (iii a) in sub-section (4) to safeguard such a right.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in the Bill.

Panaji,
25th June, 1992.

LUIS ALEX CARDOZ
M. L. A.

Assembly Hall
Panaji,
1st July, 1992.

M. M. NAIK
Secretary to the
Legislative Assembly of Goa

LA/B/3225/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 17-7-1992 is hereby published for general information in pursuance of

the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th July, 1992.

The Goa Subordinate Service Commission Bill, 1992

(Bill No. 9 of 1992)

A

BILL

to provide for a Subordinate Service Commission in Goa.

Be it enacted by the Legislative Assembly of Goa in Forty Third Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Subordinate Service Commission Act, 1992.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires. —

- (a) 'Commission' means the Goa Subordinate Service Commission.
- (b) 'Government' means the Government of Goa.
- (c) 'Group C Employees' means Employees holding non-gazetted post carrying a pay or a scale of pay with a maximum of over Rs. 1,150 but less than Rs. 2,900.
- (d) 'Group D Employees' means Employees holding non-gazetted post carrying a pay or a scale of pay maximum of which Rs. 1,150 or less.
- (e) 'Official Gazette' means the Official Gazette of the Government.
- (f) 'Subordinate Service' includes any non-Gazetted post of Group B category and all Group C and D posts.

3. *Constitution of Goa Subordinate Service Commission.* — There shall be a Goa Subordinate Service Commission consisting of three members appointed by the Governor. The members of the Commission shall be the present or the Ex-members of Indian Administrative Service.

4. *Appointment and term of office of members.* — (1) The Chairman and other members of a Subordinate Service Commission shall be appointed by the Governor.

Provided that the members of the Commission shall be persons who at the dates of the appointments shall be I. A. S. Officers or Ex-I. A. S. Officers.

If the office of the Chairman of the Commission becomes vacant or if any such Chairman by reason of absence or for any other reasons unable to perform the duties of his office, those duties shall until some other person appointed as Chairman to

this vacant office has entered on the duties, thereof or as the case may be until the Chairman has resumed his duties be performed by such one of the other members of the Commission as the Governor may appoint for the purpose.

(2) A member of a Subordinate Service Commission shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of 65 years which ever is earlier.

Provided that member can resign by writing under his hand address to the Governor.

(3) A member of a Subordinate Service Commission can be removed in the manner provided in Section 5.

(4) A person holds office as a member of a Subordinate Service Commission, shall on the expiration of his term of office, be ineligible for re-appointment to that office.

5. *Removal and suspension of a member.* — (1) A member shall only be removed from his office by the order of the Governor if, on the ground of (i) Misbehaviour (ii) holding office for profit (iii) Is adjudged as insolvent or (iv) Any other reason in the opinion of the Governor deemed fit.

6. *Power to make Regulations as to service of members and staff of the Commission.* — The Governor may by regulation. —

- (a) Determine the number of members of the Commission and their conditions of service; and
- (b) Make provision with respect to the number of members of the staff of the Commission and their conditions of service; Provided that the conditions of service of a member of a Subordinate Service Commission shall not be varied to his disadvantage after his appointment.

7. *Duties of the Commission.* — (1) The Commission shall be responsible for conducting the examinations for the selection of the Candidates to fill up the Subordinate posts under the Government.

(2) The Commission shall make necessary Rules for deciding the mode of conducting examination, introduce and publishing the results of the examination and recommending the candidates for the selection to the Government.

(3) The Commission also shall take into consideration the class or the division obtained by the candidate in the competitive test.

Statement of Objects and Reasons

The present system of recruitment of personnel in Goa Government and its public sector undertakings through Employment Exchange sponsored names has come in for severe criticism from the public as well as strictures from the Judiciary.

It is necessary to do away to the various shortcomings in the present system by introducing a more systematic and Scientific system for selection of

personnel. The present role of Employment Exchange is becoming more and more outdated with ever-increasing list of unemployed job-seekers moving up rapidly and on the contrary vacancies in Government Departments are becoming more and more scarce, year after year.

Therefore the recruitment through a separate agency like the Goa Subordinate Service Commission will streamline the process of recruitment of efficient fitting personnel to tune up the administration and will also generate goodwill and confidence in the minds of the people, about the employment procedure. This Bill will help to allay the fears or suspicion of corruption or favouritism in recruitment procedure.

Financial Memorandum

Initially, the expenditure of approximately Rs. 8 lakhs per annum will be required on account of payments of salaries and allowances for the staff of the Commission, payment to examiners/paper setters for the competitive test and additional Rs. 5 lakhs per annum for accommodation, transport for the officers of the Commission.

However part of the expenses will be recovered by the sale of application forms etc.

Memorandum on Delegated Legislation

Sub-section 2 of section 1 empowers the Government by notification to bring the Act into force on such date as a Government may by notification of Official Gazette, may appoint.

This Delegated Legislation is of normal character.

Panaji, SHRI DOMNICK FERNANDES
6th July, 1992. M. L. A.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the
8th July, 1992. Legislative Assembly of Goa

LA/B/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 16-7-92 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 17th July, 1992.

The Goa Town and Country Planning (Amendment) Bill, 1992

(Bill No. 11 of 1992)

A BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 1992.

(2) It shall be deemed to have come into force with effect from 6th May, 1992.

2. *Amendment of section 20.*—In clause (iv) of sub-section (3) of section 20 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the 'principal Act'), for the word "three", the word "five" shall be substituted.

3. *Repeal and saving.*—(1) The Goa Town and Country Planning (Amendment) Ordinance, 1992 (Ordinance No. 5 of 1992) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Goa Town and Country Planning (Amendment) Ordinance, 1992 (Ordinance No. 5 of 1992), was promulgated by the Governor of Goa on 6-5-1992 so as to amend section 20 of the Goa, Daman and Diu Town and Country Planning Act, 1974 in order to obviate certain difficulties experienced thereunder.

This Bill seeks to replace the said Ordinance

Financial Memorandum

No financial implications are involved in this Bill.

Panaji, RAVI NAIK
10th July, 1992. Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the
13th July, 1992. Legislative Assembly of Goa

(Annexure to Bill No. 11 of 1992)

The Goa Town and Country Planning (Amendment) Bill, 1992

The Goa, Daman and Diu Town and Country Planning Bill, 1974 Act No. 21 of 1975

Section 20:—

3(IV) Such number of other members, not exceeding three, appointed by the Government, who, in the opinion of the Government, have special knowledge of, or practical experience in, matters relating to town and country planning, architecture, engineering, transport, industry, commerce and agriculture.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the
10th July, 1992. Legislative Assembly of Goa

LA/B/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 16-7-92 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 17th July, 1992.

The Goa Public Gambling (Amendment) Bill, 1992

(Bill No. 10 of 1992)

A BILL

further to amend the Goa, Daman and Diu Public Gambling Act, 1976.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Public Gambling (Amendment) Act, 1992.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In clause (3) of section 2 of the Goa, Daman and Diu Public Gambling Act, 1976 (Act 14 of 1976) (hereinafter referred to as the “principal Act”), for the words and figure “the Government of Goa, Daman and Diu”, the words “the Government of Goa” shall be substituted.

3. *Insertion of new section 13A.* — After section 13 of the principal Act, the following shall be inserted, namely: —

“13A. *Authorised Game.* — (1) Notwithstanding anything contained in this Act, the Government may authorise any game subject to such conditions, including payment of such recurring and non — recurring fees, as may be prescribed.

(2) The provisions of this Act shall not apply to any game authorised under sub-section (1).”.

4. *Repeal and saving.* — (1) The Goa Public Gambling (Amendment) Ordinance, 1992 (Ordinance No. 3 of 1992) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Goa Public Gambling (Amendment) Ordinance, 1992 (Ordinance No. 3 of 1992) was promulgated by the Governor of Goa on 11-4-1992 so as to amend the Goa, Daman and Diu Public Gambling Act, 1976 by inserting therein section 13A relating to authorised games in the interest of tourist industry.

This Bill seeks to replace the said Ordinance No. 3 of 1992.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

The proposed section 13A as sought to be inserted in the Goa, Daman and Diu Public Gambling Act, 1976 by clause 3 of the Bill, seeks to empower the Government to authorise any game subject to such conditions, including payment of such recurring and non-recurring fees, as may be prescribed.

This delegation is of normal character.

Panaji,
10th July, 1992.

RAVI NAIK
Chief Minister

Assembly Hall,
Panaji,
13th July, 1992.

M. M. NAIK
Secretary to the
Legislative Assembly of Goa

(Annexure to Bill No. 10 of 1992)

The Goa Public Gambling (Amendment) Bill, 1992

The Goa, Daman and Diu Public Gambling Bill, 1976 Act No. 14 of 1976

Section 2: — Definition —

(3) “Government” means the Government of Goa, Daman and Diu;

Section 13: — Saving of games of mere skill. — Nothing in this Act shall be held to apply to any game of mere skill wherever played.

Assembly Hall,
Panaji,
10th July, 1992.

M. M. NAIK
Secretary to the
Legislative Assembly of Goa

LA/B/3237/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 20-7-1992 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st July, 1992.

The Goa Legislative Diploma No. 2070 Dated 15-4-1961 (Amendment) Bill, 1992

(Bill No. 14 of 1992)

A BILL

further to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1992.

(2) It shall come into force at once.

2. *Amendment of Article 334-A.* — (1) In Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, —

(i) after the expression “grant on lease” and before the expression “land for construction of houses or buildings”, the words and figures “not more than 400 sq. metres of” shall be inserted;

(ii) in clause vi), after the words “Government servants or employees of the comunidades”, the words “who are landless” shall be inserted;

(iii) in clause viii), before the words “Freedom Fighters”, the word “Landless” shall be inserted;

(iv) in the third proviso, for the words and figures “Rs. 30,000/-”, the words and figures “Rs. 60,000/-” shall be substituted;

(v) after the third proviso, the following Explanations shall be inserted, namely: —

“*Explanation 1.* — For the purpose of this Article, the word “landless” means that neither the person nor his or her spouse or minor child owns a plot of land or house in the State of Goa. The word “house” shall also include a flat or apartment or any other accommodation by whatever name called.

“*Explanation 2.* — For the purpose of this Article, the annual income of the person shall be construed to mean the annual income of the person and of his or her spouse or minor child”.

Statement of Objects and Reasons

In terms of clauses (vi) and (viii) of Article 334-A of Legislative Diploma No. 2070 dated 15-4-1961, Government servants or employees of the comunidades and freedom fighters were eligible for grant of land on lease, for construction of house or building without auction, irrespective of the fact whether they are landless or not.

When these provisions were challenged before the Bombay High Court in Writ Petition No. 80/86, the Bombay High Court observed that the categories of persons as specified under clauses (vi) and (viii) of Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961 will survive the test of Article 14 of the Constitution only if the same is read down as if the Government servants or employees of comunidades and freedom fighters are landless, because only then they will be entitled to have land without auction and not otherwise.

This Bill, therefore, seeks to amend clauses (vi) and (viii) of Article 334-A suitably and also to restrict the allotment of land under Article 334-A only to the extent of 400 sq. metres.

It is also proposed to amend the third proviso to Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961 so as to enhance the income ceiling limit for eligibility for grant of land belonging to the comunidades, on lease without auction, to the categories of persons viz. Government servants, employees of the comunidades, landless jonoeiros and freedom fighters, from Rs. 30,000/- to Rs. 60,000/-, in view of the steep rise in the cost of living.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji
13th July, 1992

SHANKAR K. SALGAOCAR
Minister for Revenue

Assembly Hall
Panaji
14th July, 1992.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 14 of 1992)

The Goa Legislative Diploma No. 2070 dated 15-4-1961
(Amendment) Bill, 1992

The Goa, Daman and Diu Legislative Diploma No. 2070
dated 15-4-1961 (Amendment) Act 1984
(Act No. 1 of 1985)

“Article 334-A. — Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may, subject to such guidelines as the Government, may, from time to time, issue, grant on lease land for construction of houses or buildings, without auction, to any of the following categories or for purposes: —

- i) Public, Charitable or Religious Institutions;
- ii) For any scheme of providing housing to the economically weaker sections;
- iii) Small scale Industrial purposes;
- iv) Government Departments or local bodies;
- v) Co-operative Housing Societies of landless persons;
- vi) Government servants or employees of the Comunidades;
- vii) Landless Jonoeiros;
- viii) Freedom Fighters;
- ix) Such other categories or purposes as may be notified by the Government, from time to time.

Provided that every notifications issued under this clause shall be laid as soon as may be after it is issued, before the Legislative Assembly;

Provided further that the members of the Cooperative Housing Societies and the persons belonging to the categories (vi), (vii) and (viii) above are residing in Goa for preceding 25 years:

Provided also that no person whose annual income exceeds Rs. 30,000/- or such amount as may be prescribed by the Government shall be eligible for grant of land on lease without auction.”

Assembly Hall,
Panaji
13th July, 1992.

M. M. NAIK
Secretary to the
Legislative Assembly of Goa.